

# 4

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# TRANSMITTAL FORM

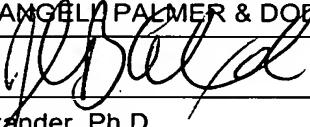
(to be used for all correspondence after initial filing)

		Application Number	10/535,559
		Filing Date	May 18, 2005
		First Named Inventor	Paul Sabin
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	58399 (47171)

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Request for Refund	Combined Declaration and Power of Attorney; Information Disclosure Citation (PTO SB/08); Part 2 Copy of Notice; Second Preliminary Amendment; and a Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	EDWARDS ANGELI PALMER & DODGE LLP		
Signature			
Printed name	John B. Alexander, Ph.D.		
Date	January 4, 2006	Reg. No.	48,399

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 438 958 631 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 4, 2006

Signature:  (Michelle P. Chicos)

Docket No.: 58399 (47171)  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Paul Sabin et al.

Application No.: 10/535,559

Filed: May 18, 2005

For: MEMBRANE BASED ELECTROCHEMICAL  
CELL STACKS

Confirmation No.:

Art Unit: N/A

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed November 4, 2005, Applicant respectfully submits a Combined Declaration and Power of Attorney, an Information Disclosure Statement, an Information Disclosure Citation (PTO SB/08), Part 2 Copy of Notice, a Second Preliminary Amendment and a Fee Transmittal.

Please charge our Deposit Account No. 04-1105 in the amount of \$115.00 covering the fee set forth in 37 CFR 1.16(f) and 1.16(i). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our

01/10/2006 ATRAN1 00000137 041105 10535559

01 FC:2617 65.00 DA  
02 FC:2615 50.00 DA

Deposit Account No. 04-1105, under Order No. 58399(47171). A duplicate copy of this paper is enclosed.

Dated: January 4, 2006

Respectfully submitted,

By

John B. Alexander, Ph.D.

Registration No.: 48,399

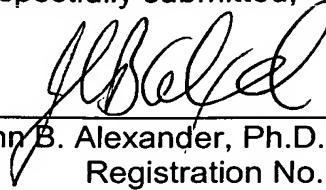
EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant



Application No. (if known): 10/535,559

Attorney Docket No.: 58399(47171)

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 438 958 631 US in an envelope addressed to:

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on January 4, 2006  
Date



Signature

Michelle P. Chicos

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 439-4444  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Second Preliminary Amendment  
Response to Missing Parts (2 pages)  
Combined Declaration & Power of Attorney (4 pages)  
Fee Transmittal (1 page)  
Transmittal (1 page)  
IDS (Citation) by Applicant (7 References)  
Information Disclosure Statement (2 pages)  
Copy of Search Report (3 pages)  
Charge \$115.00 to deposit account 04-1105

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 115.00)

Complete if Known	
Application Number	10/535,559
Filing Date	May 18, 2005
First Named Inventor	Paul Sabin
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	58399 (47171)

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 04-1105 Deposit Account Name: Edwards Angel Palmer & Dodge LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues) 50 25  
 Each independent claim over 3 (including Reissues) 200 100  
 Multiple dependent claims 360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
44	- 42 = 2	25.00	50.00		
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		

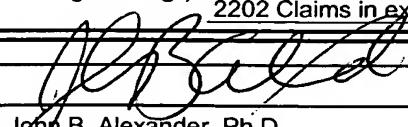
## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
	- 100 =	/50 (round up to a whole number) x		=

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) 65.00  
 Other (e.g., late filing surcharge): 2051 SurchARGE-Late oath or declaration 50.00  
 2202 Claims in excess of twenty

SUBMITTED BY		Registration No. (Attorney/Agent)	Telephone	
Signature		48,399	(617) 439-4444	
Name (Print/Type)	John B. Alexander, Ph.D.		Date	January 4, 2006

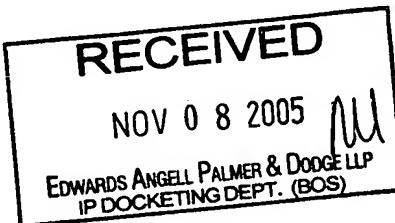


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,559	Paul Sabin	58399(47171)

21874  
 EDWARDS & ANGELL, LLP  
 P.O. BOX 55874  
 BOSTON, MA 02205



INTERNATIONAL APPLICATION NO.

PCT/US03/37127

I.A. FILING DATE	PRIORITY DATE
11/18/2003	11/18/2002

CONFIRMATION NO. 7699  
 371 FORMALITIES LETTER



\*OC000000017382064\*

Date Mailed: 11/04/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/18/2005
- Copy of the International Search Report filed on 05/18/2005
- Copy of IPE Report filed on 05/18/2005
- Preliminary Amendments filed on 05/18/2005
- U.S. Basic National Fees filed on 05/18/2005
- Priority Documents filed on 05/18/2005

*missing parts*  
 EDWARDS ANGELL PALMER & DODGE LLP  
 101 Federal St. Boston, MA 02110  
 Docketed For 1/4/06-94/06  
 By ML  
 Approved Loe

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$50** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of **\$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$115** for a Small Entity:

- **\$65** Surcharge.
- Total additional claim fee(s) for this application is **\$ 50**
  - **\$50** for 24 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

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Telephone: (703) 308-9140 EXT 207

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,559	PCT/US03/37127	58399(47171)

FORM PCT/DO/EO/905 (371 Formalities Notice)